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Serial No. 09/400,865
March 18, 2003

REMARKS

Applicant and the undersigned thank Examiner Nguyen and Examiner Pham for the courtesies and cooperation extended in the scheduling and conducting of the interview held on March 13, 2003.

Entry of this Supplemental Amendment is respectfully requested.

By the present Supplemental Amendment, Applicant adds new independent claim 63. New independent claim 63 basically differs from claim 62 by specifying that the diaphragm has *an aperture* of a preset shape; that the diaphragm has a portion surrounding the aperture which prevents propagation of a remaining portion of the light beam; that the converging lens is separated from the diaphragm and positioned at a predetermined distance away from the diaphragm such that the diaphragm is focused onto the reading zone portion; and that there is provided on the reading zone an aiming shaped light and immediate visual feedback regarding the position of said shaped light relative to the reading zone.

New claim 63 is novel and non-obvious over Plesko for the many reasons, including the reasons set forth below.

Plesko shows a converging lens 2 which focuses the source S. This is clear also from figures 3 and 9 which clearly show light rays starting from the source S and focused on f1 or f2 by means of the lens 2. In other words, f1 or f2 are the focused images of the source 2. This is due to the fact that Plesko's object is to increase the depth of field of the light beam in order to read a code over a long distance range. To achieve this object the source must be focused in order to produce, for a long distance range, a light spot having a small size, so as to be able to distinguish the bars and the spaces of the code.

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Differently, in the Applicant's device as now claimed, the converging lens focuses the diaphragm. This is due to the fact that the object of the Applicant's invention is to produce a clear or sharp pattern onto the reading zone in order to clearly indicate to the operator the position of the shaped light onto the reading zone. To achieve this object the diaphragm must be focused. Therefore there is a structural difference between Plesko and the Applicant's invention which is due to a different object to be achieved.

Plesko cannot suggest to focus the diaphragm (and therefore cannot suggest locating the lens separated from the diaphragm and at a predetermined distance away from the diaphragm such that the diaphragm is focused onto the reading zone). In fact, in order to focus the diaphragm, Plesko should have suggested to displace the lens away from the diaphragm at an appropriate distance: however, by displacing the lens away from the diaphragm a light spot is produced having a size too large to distinguish the bars and spaces of the code, this light spot being therefore unsuitable to read the code.

Further, in Plesko the visual feedback occurs on window 212 of the reader and this feedback regards the decoded information, wheras in the Applicant's invention the visual feedback occurs on the reading zone and this feedback regards the position of the aiming shaped light relative to the reading zone. Plesko cannot suggest nor achieve a feedback as claimed by the Applicant. In fact, Plesko's device is a scanning reader wherein the light beam is swept on the barcode target to be read by a beam scanner, that is a scanning line (possibly not visible) is generated on the barcode target. A scanning line is not a static line and therefore it is not suitable to give a visual feedback regarding the position of the shaped light on the reading zone, as claimed by the Applicant.

The Examiners are earnestly entreated to consider favorably this Supplemental Amendment.